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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Akira SAKAI et al.

Group Art Unit: 2812

Application No.: 10/714,644

Examiner:

Filed: November 18, 2003

Docket No.: 117787

For: METHOD FOR FABRICATING A SIGE FILM, SUBSTRATE FOR EPITAXIAL GROWTH AND MULTILAYERED STRUCTURE

Free
Only

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, Notice of Allowance or other action that closes prosecution (e.g., Quayle Action).
- ☒ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(c)(1).
- ☒ 2. The references were cited in a counterpart foreign application.
- ☒ 3. English language Abstracts of the non-English language references are attached hereto.

Adjustment date: 10/21/2005 SFELEKE1
06/28/2005 JNCMLLA 00000001 150461 10714644
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ATTN:

Refund Section
Accounting Div.
Office of Finance

Docket No.: 117787

REQUEST FOR REFUND TO DEPOSIT ACCOUNT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

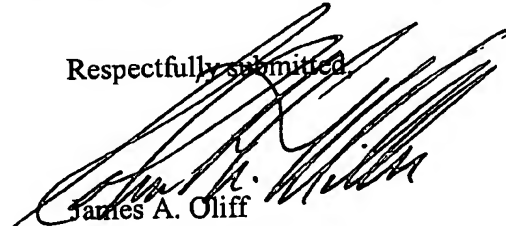
Sir:

Attached hereto is a copy of a Monthly Statement of Deposit Account (dated June 28, 2005) showing a charge of \$180.00 related to the above-referenced application. This charge is marked with Fee Code 1806, which is the Patent Office Fee for an Information Disclosure Statement. However, the Information Disclosure Statement was filed on June 16, 2005, which is the day the Final Rejection was issued. As both documents were dated the same day, the order of action is unclear. In keeping with other actions where Applicants and the Patent Office act on the same day, the filing of the Information Disclosure Statement should be treated as before the mailing of the Final Office Action. Therefore, Applicants respectfully submit that the Information Disclosure Statement was timely filed.

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Accordingly, it is respectfully requested that this charge be re-credited to Deposit Account No. 15-0461 and that the Patent Office acknowledge this credit in writing.

Respectfully submitted,



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JAO:RAM/tls

Date: August 15, 2005

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

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Deposit Account Statement

Requested Statement Month:

June 2005

Deposit Account Number:

150461

Name:

OLIFF & BERRIDGE P L C

Attention:

BARBARA WATTS

Address:

277 SOUTH WASHINGTON STREET

City:

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State:

VA

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22314

Country:

UNITED STATES OF AMERICA

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06/28	1	10714644	117787	1806	\$180.00